

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Roland Barten et al. Art Unit : 1641
Serial No. : 10/580,066 Examiner : Pensee T. Do
Filed : February 22, 2007 Conf. No. : 9542
Title : METHOD AND DEVICE FOR IMPROVED PURIFICATION OF A SUBSTANCE
BOUND TO PARAMAGNETIC MICROPARTICLES

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT MAILED JUNE 11, 2009

In response to the Restriction Requirement mailed June 11, 2009, Applicants elect Group I, claims 31-42, for examination. Applicants respectfully traverse the Examiner's restriction.

According to the Examiner, independent claims 31 and 43 do not relate to a single inventive concept under PCT Rule 13.1 because, according to PCT Rule 13.2, they lack the same or corresponding special technical feature. The Examiner asserted that Miltenyi et al. discloses the device recited in claims 43-67 and a method of using the device as recited in claims 31-42.

Contrary to the Examiner's assertion, independent claims 31 and 43 do, in fact, contain a specific technical feature that is not disclosed in Miltenyi et al. For example, each of independent claims 31 and 43 require that the magnetic field in the portion of the first line (the portion with the greater cross-sectional area) have a greater average field strength than the first magnetic field in the container. This feature regarding the magnetic fields is not taught or suggested by Miltenyi et al.

For these reasons, Applicants submit that the Examiner's restriction is improper under PCT Rule 13.2, and claims 31-42 and 43-67 should be examined together. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

/July 13, 2009/

/M. Angela Parsons/

Date: _____

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I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: July 13, 2009